

SENATE BILL 1641
By Fowler

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 4; Section 49-1-302 and Title 49, Chapter 6, relative to protection of pupil rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding Section 2 through 6 of this act as a new part.

SECTION 2. The title of this act is and may be cited as the "Protection of Pupil Rights Act of 1997".

SECTION 3. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation shall be available for inspection by the parents or guardians of the children.

SECTION 4. No student shall be required to submit to a survey, analysis, or evaluation that reveals information concerning:

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or the student's family;
- (3) sex behavior and attitudes;
- (4) illegal, anti-social, self-incriminating and demeaning behavior;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;

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(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

SECTION 5. Local education agencies and institutions shall give parents and students effective notice of their rights under this act.

SECTION 6. The commissioner shall investigate, process, review and, if appropriate, appoint a hearing officer to adjudicate violations of the rights established under this act.

SECTION 7. Tennessee Code Annotated, Section 49-1-302, is amended by adding the following language as a new, appropriately designated subsection:

() The state board of education shall develop rules and regulations which establish guidelines and criteria to be adopted by the local education agency for the filing of complaints of alleged violations with the local school where the alleged violation occurred as well as with the local superintendent and school board. Such procedure shall provide an opportunity for a timely hearing before the local school board as well as for a timely appeal from the board's decision. The state board shall develop a form to be used for filing such complaints.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

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